

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.11.2015

CORAM

**THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH**

H.C.P. NO. 3725 OF 2014

Smt. R.Nirmala

.. Petitioner

- Vs -

1. The State rep. by
Inspector of Police
J-3, Guindy Police Station
Guindy, Chennai - 32.
2. Nethaji Mercy Home
rep. by its Administrator
Smt. Kala, W/o Thiru Kumar
New No.12, Pondidurai Street
Behind Sangeetha Restaurant
Velachery, Chennai - 42.

.. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the first respondent to secure the detenue, Dayana @ Jansi, aged about 13 years, produce her before this Court and set her at liberty.

For Petitioner : Mr. N.Vinayagamoorthy

For Respondents : Mr. A.N.Thambidurai, APP for R-1
Mr. M.R.Thangavel
Advocate Commissioner

ORDER

(DELIVERED BY R.SUDHAKAR, J.)

This petition has been filed for a direction to the first respondent to

secure the detenue, Dayana @ Jansi, aged about 13 years, produce her before this Court and set her at liberty.

2. Heard the learned counsel appearing for the petitioner, the learned Addl. Public Prosecutor appearing for the first respondent and perused the report filed by the Advocate Commissioner.

3. In this case, it is evident from the order sheet that various orders have been passed in this petition filed by the mother of the detenue. It is further seen that the Court had, at one point of time, directed the detenue, a 13 year old girl child, to be placed in the custody of the Childrens Home in Kellys. However, since the conditions in the said Home were found to be deplorable, Mr.M.R.Thangavel, Advocate was appointed as Advocate Commissioner to inspect the Home and submit a report.

4. Accordingly, the Advocate Commissioner had filed a detailed report dated 31.8.2015, wherein number of suggestions have been given by the Advocate Commissioner and the same have been incorporated in the order dated 30.10.2015. It is evident from the report that the condition of the Childrens Home, by and large, appears to be in a very pathetic state, which is causing great inconvenience to the children, who are lodged there.

5. At this juncture, we were informed that the Hon'ble First Bench,

while considering a similar issue in W.P. No.21267/2014 in a public interest litigation petition, has passed series of orders.

6. Taking note of the above and also the fact that the detinue in the present case has been secured and has been handed over to her mother, viz., the petitioner, this Court is of the considered opinion that no further adjudication is required in this petition. Accordingly, this petition is closed.

7. However, considering the larger issue involved, viz., the condition of the Childrens Home, which issue is the subject matter of W.P. No.21267/2014, we are inclined to direct the Registry to place a copy of the report of the Advocate Commissioner along with a copy of this order before the Hon'ble First Bench.

8. With the above observation and direction, this habeas corpus petition is closed.

(R.S.J.) (P.N.P.J.)

24.11.2015

Index : Yes/No

Internet : Yes/No

GLN

To

1. The Inspector of Police
J-3, Guindy Police Station
Guindy, Chennai - 32.
2. The Public Prosecutor
High Court, Madras.

R.SUDHAKAR, J.
AND
P.N.PRAKASH, J.

GLN

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